IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.29368 of 1998

Between:

G.S. Abdul Salam, S/o G.S. Dasthagiri Saheb, Muslim
R/o Bandamakhan Street, Vayalpad,
Chittoor District.

..... PETITIONER

AND

1 The Vayalpad Gram Panchyat,
Vayalpad, Chittoor District, Rep. by its Executive Officer.
2 The Mandal Revenue Officer, Vayalpad Mandal,
Vayalpad, Chittoor District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the impugned Notice Rc.No.215/98,dt.23-9-98 issued by the 1st Respondent-Gram Panchayat, as illegal, arbitrary, unjust, mala fide, without jurisdiction and unconstitutional, being violative of Arts. 14, 21 and 300-A of the Constitution of India and also violative of principles of natural Justice and also contrary to the provisions of the A.P. Panchayat Raj Act, 1994 and the rules framed thereunder, and consequently declare that the proposed action of the 1st Respondent-Gram panchayat at the instance of the 2nd Respondent in trying to demolish the existing structures made by the petitioner in Assessment Nos.662 to 665 of Bandamakhan Street, Vayalpad Village and Gram Panchayat without even considering representation made by the petitioner through his advocate dt.14-10-1998 as void ab initio, null and void and nonest in the eye of law.

Counsel for the Petitioner: MR.D.RAMESH

Counsel for the Respondents: MR.P.RAGHAVENDRA REDDY

The Court made the following:

ORDER:

The petitioner, who claims to be the absolute owner of the property in Assessment Nos.662 to 665 of Vayalpadu Gram Panchayat in Bandamakhan Street, Vayalpad Village, Chittoor District, filed the present writ petition questioning the impugned notice of the 1st respondent-Gram Panchayat in Rc.No.215 of 1998, dated 23.09.1998 and seeking to declare the proposed action of the 1st respondent-Gram Panchayat, at the instance of the 2nd respondent, in trying to demolish the existing structures made by the petitioner in the said property as illegal and arbitrary.

This Court, while admitting the writ petition on 23.10.1998, passed the following interim order in WPMP No.35915 of 1998.

> "Interim suspension not to demolish the constructions made according to the approved plan. Respondents are at liberty to proceed with the demolition of the constructions made in violation of the approved plan as expeditiously as possible."

When the matter is taken up today for hearing, learned counsel for the petitioner submitted that in view of the said interim orders passed by this Court, no further orders are required to be passed in this writ petition.

Recording the said submission made by the learned counsel for the petitioner, the writ petition is closed. No costs.

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N.V. RAMANA, J.

Date: 08.04.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Executive Officer, Vayalpad Gram Panchyat,
Vayalpad,Chittoor District,
2 The Mandal Revenue Officer, Vayalpad Mandal,
Vayalpad, Chittoor District.

3 Two CD copies

4 Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**MSKM**}*